JS 44 (Rev. 10/20)

Case 2:24-cv-01014-@FKPL @GWNERTSHFile 03/08/24 Page 1 of 22

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

purpose of initiating the civil do	ocket sheet. (SEE INSTRUC	CTIONS ON NEXT PAGE O	F THIS F	ORM.)						
I. (a) PLAINTIFFS				_DEFENDAN'	TS .					
				Laboratory Cor						
Arpad Madarsz				LabCorp Early	Devel	lopmen	t Laboratories,	, Inc.; and		
(b) G + CD :1	CE: 41:4 1D1:4:00 F	Dualia Caumtu		Laboratory Dru					NO	
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						LAND IN				
(c) Attorneys (Firm Name, A	Address, and Telephone Numb	er)		Attorneys (If Know	wn)					
(c) Attorneys (Firm Name, A Caren N. Gurmankin, Esc	ן., Console Mattiacci	Ľaw,								
1525 Locust Street, 9th F	Fl., Philadelphia, PA 1	9102, 215-545-767	б							
II. BASIS OF JURISD	ICTION (Place an "X" in	One Box Only)	III. CI	TIZENSHIP OF	PRIN	ICIPAI	L PARTIES a	Place an "X" in	One Box fc	or Plaintiff
_	_			(For Diversity Cases On	ıly)			nd One Box for I	Defendant)	-
1 U.S. Government	× 3 Federal Question	Notes Daniel	Ciri-	CTL:- C4-4-	PTF	DEF	I		PTF	DEF
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140 Negotiable Instrument	Liability	367 Health Care/						400 State R		ıment
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VI. CAUSE OF ACTION	Brief description of ca	·								
		ated against because of hi	is age and	d sex.						
VII. REQUESTED IN	CHECK IF THIS	S IS A CLASS ACTION	D	EMAND \$		CI	HECK YES only i	if demanded in	n complai	nt:
COMPLAINT:	UNDER RULE 2		in e	xcess of \$75,000			RY DEMAND:	Yes	□No	
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VIII. RELATED CASI IF ANY	(See instructions):									
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3/8/2024		Caren Jus	1_)						
FOR OFFICE USE ONLY										
RECEIPT # AN	MOUNT	APPLYING IFP		JUDGE	Ξ		MAG. JUD	OGE		

Case 2:24-cv-01014-GENTED SPACESMASTRICT FOOD decimal Page 2 of 22 for the Eastern district of Pennsylvania

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Warminster, PA 18974						
Address of Defendant: 356	8 South Main Street, Burlingto	n, NC 27215				
Place of Accident, Incident or Transaction:						
- I have of the decision, moreover of transactions						
RELATED CASE, IF ANY:						
Case Number: Judg	ge:	Date Terminated:				
Civil cases are deemed related when Yes is answered to any	of the following questions:					
Is this case related to property included in an earlier nu previously terminated action in this court?	imbered suit pending or within one year	Yes No 🗸				
Does this case involve the same issue of fact or grow of pending or within one year previously terminated actions.		Yes No 🗸				
3. Does this case involve the validity or infringement of a numbered case pending or within one year previously		Yes No 🗸				
4. Is this case a second or successive habeas corpus, sociacase filed by the same individual?	al security appeal, or pro se civil rights	Yes No 🗸				
I certify that, to my knowledge, the within case is is / is this court except as noted above.	a . /					
DATE: 03/08/2024	Attorney-at-Laf Pro Se Plaintiff	205900				
	Attorney-at-Laff/Pro Se Plaintiff	Attorney I.D. # (if applicable)				
CIVIL: (Place a √ in one category only)						
A. Federal Question Cases:	B. Diversity Jurisdiction (Cases:				
1. Indemnity Contract, Marine Contract, and All Other Contracts 2. FELA 3. Jones Act-Personal Injury 4. Antitrust 5. Patent 6. Labor-Management Relations 7. Civil Rights 8. Habeas Corpus 9. Securities Act(s) Cases 10. Social Security Review Cases 11. All other Federal Question Cases (Please specify): 1. Insurance Contract and Other Contracts 2. Airplane Personal Injury 3. Assault, Defamation 4. Marine Personal Injury 5. Motor Vehicle Personal Injury 6. Other Personal Injury (Please specify): 7. Products Liability 8. Products Liability - Asbestos 9. All other Diversity Cases (Please specify): (Please specify): (Please specify):						
	ARBITRATION CERTIFICATION					
Caren M. Gurmankin	certification is to remove the case from eligibility of record or pro se plaintiff, do hereby certify:	for arbitration.)				
X Pursuant to Local Civil Rule 53.2, § 3(c) (2), that exceed the sum of \$150,000.00 exclusive of interesting to the sum of \$150,000.00 exclusive of the sum of \$15		amages recoverable in this civil action case				
X Relief other than monetary damages is sought.	,					
DATE: 03/08/2024	Caren Justo	205900				
NOTE: A trial de novo will be a trial by jury only if there has been	compliance with F.R.C.P. 38.	Attorney I.D. # (if applicable)				

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Telephone	FAX Number	E-Mail Address			
215-545-7676	215-405-2900	gurmankin@consolelaw.cor	gurmankin@consolelaw.com		
Date	Attorne -at-law	Attorney for	v		
3/8/2024	Caren Gual	Plaintiff, Arpad Madarsz			
(f) Standard Management	– Cases that do not fall into any	one of the other tracks.	(X)		
commonly referred to	Cases that do not fall into track as complex and that need special side of this form for a detailed	l or intense management by	()		
(d) Asbestos – Cases involence exposure to asbestos.	lving claims for personal injury	or property damage from	()		
(c) Arbitration – Cases rec	quired to be designated for arbit	ration under Local Civil Rule 53.2.	()		
	s requesting review of a decisio enying plaintiff Social Security		()		
(a) Habeas Corpus – Case	s brought under 28 U.S.C. § 224	41 through § 2255.	()		
SELECT ONE OF THE	FOLLOWING CASE MANAC	GEMENT TRACKS:			
plaintiff shall complete a C filing the complaint and ser side of this form.) In the designation, that defendant the plaintiff and all other p	Case Management Track Design rve a copy on all defendants. (See event that a defendant does not shall, with its first appearance.	Reduction Plan of this court, counse ation Form in all civil cases at the time § 1:03 of the plan set forth on the revot agree with the plaintiff regarding submit to the clerk of court and serveck Designation Form specifying the ted.	ne of verse said e on		
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v. oratory Corporation of Ame	: : erica Holdings, et al. :				
Arpad Madarsz	:	CIVIL ACTION			

(Civ. 660) 10/02

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARPAD MADARSZ :

Warminster, PA 18974 : CIVIL ACTION NO.

Plaintiff,

:

v.

LABORATORY CORPORATION

OF AMERICA HOLDINGS

358 South Main Street :

Burlington, NC 27215 : JURY TRIAL DEMANDED

and

LABCORP EARLY DEVELOPMENT

LABORATORIES, INC. : 358 South Main Street : Burlington, NC 27215 : :

and

LABORATORY DRUG : DEVELOPMENT INC. : 358 South Main Street :

Burlington, NC 27215

Defendants.

Detendants.

COMPLAINT

I. INTRODUCTION

Plaintiff, Arpad Madarasz, brings this action against his former employers,
Laboratory Corporation of America Holdings; LabCorp Early Development Laboratories,
Inc.; and, Laboratory Drug Development Inc. (together "Defendants"). Defendants
terminated sixty-two (62) year old Plaintiff after removing his territory from him and

assigning it to younger, female employees, promoting a younger, female employee over him into a position for which he was qualified and which was not posted, placing him on an unjustified Performance Improvement Plan, and replacing him with a younger, female employee. Defendants' discriminatory conduct towards Plaintiff violated the Age Discrimination in Employment Act, 29 U.S.C. §621, et seq. ("ADEA") and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII").

II. PARTIES

- Plaintiff, Arpad Madarsz, is an individual and a citizen of the Commonwealth of Pennsylvania. He resides in Warminster, PA 18974.
- 2. Plaintiff was born in April 1961. He was sixty-two (62) years old at the time that Defendants terminated his employment in June 2023.
 - 3. Plaintiff is male.
- 4. Defendant, Laboratory Corporation of America Holdings, is a Delaware corporation with a principal place of business at 358 South Main Street, Burlington, NC 27215.
- 5. Defendant, LabCorp Early Development Laboratories, Inc., is a Delaware corporation with a principal place of business at 358 South Main Street, Burlington, NC 27215.
- 6. According to Defendants' Position Statement that they submitted to the Equal Employment Opportunity Commission ("EEOC") in response to Plaintiff's Charge of Discrimination that he filed, Defendant Laborator Early Development Laboratories Inc. was a wholly-owned subsidiary of Defendant Laboratory Drug Development Inc.

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¹ Plaintiff plans to amend his Complaint one (1) year after the filing of his Charge with the Equal Employment Opportunity Commission (cross-filed with the Pennsylvania Human Relations Commission) to add claims under the Pennsylvania Human Relations Act, as amended, 43 P.S. §951, *et seq.* ("PHRA").

- 7. Plaintiff was paid by Defendant LabCorp Early Development Laboratories, Inc.
- 8. Defendants are engaged in an industry affecting interstate commerce and regularly do business in the Commonwealth of Pennsylvania.
- 9. At all times material hereto, Defendants employed more than twenty (20) employees.
- 10. At all times material hereto, Defendants acted by and through their authorized agents, servants, workmen, and/or employees acting within the course and scope of their employment with Defendants and in furtherance of Defendants' business.
- 11. At all times material hereto, Defendants acted as employers within the meaning of the statutes which form the basis of this matter.
- 12. At all times material hereto, Plaintiff was an employee of Defendants within the meaning of the statutes which form the basis of this matter.
 - 13. Plaintiff worked out of his home in Warminster, PA 18974.

III. JURISDICTION AND VENUE

- 14. The causes of action which form the basis of this matter arise under Title VII and the ADEA.
- 15. The District Court has jurisdiction over Count I (Title VII) pursuant to 42 U.S.C. § 2000e-5 and 28 U.S.C. § 1331.
- 16. The District Court has jurisdiction over Count II (ADEA) pursuant to 29U.S.C. §626(c) and 28 U.S.C. §1331.
- 17. The District Court has jurisdiction over all counts pursuant to 28 U.S.C. §1332 since the amount in controversy in the present action exceeds the sum or value of

seventy five thousand dollars (\$75,000), exclusive of interests and costs, and there exists complete diversity of citizenship, as Plaintiff is a citizen of the Commonwealth of Pennsylvania and Defendants are not citizens of the Commonwealth of Pennsylvania.

- 18. Venue is proper in the District Court under 28 U.S.C. §1391(b).
- 19. On or about June 23, 2023, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC"), complaining of acts of discrimination alleged hereto. This Charge was cross-filed with the Pennsylvania Human Relations Commission ("PHRC"). Attached hereto, incorporated herein and marked as Exhibit "1" is a true and correct copy of the EEOC Charge (with personal identifying information redacted).
- 20. On or about December 11, 2023, the EEOC issued to Plaintiff a Dismissal and Notice of Rights for his June 2023 EEOC Charge. Attached hereto, incorporated herein and marked as Exhibit "2" is a true and correct copy of that notice (with personal identifying information redacted).
- 21. Plaintiff has fully complied with all administrative prerequisites for the commencement of this action.

IV. FACTUAL ALLEGATIONS

- 22. Plaintiff started working at Defendants on or about August 21, 2018.
- 23. At the time of his termination, Plaintiff held the position of Senior Business Development Director, Early Development.
- 24. Plaintiff's job was to sell Defendants' Early Development services to small to mid-size biotechnology companies in the Boston, MA area who were developing innovative new drugs and needed assistance doing so and bringing the drugs to market,

specifically in connection with testing the drugs for safety using, primarily, laboratory animals.

- 25. As of the time of his termination from Defendants, Plaintiff had worked in contract research companies servicing biotechnology and pharmaceutical companies for over thirty years.
- 26. At all times material hereto, Plaintiff performed his job duties in a highly competent manner. By way of example only, in 2019, Plaintiff was named a member of Defendants' Gem Club, which is awarded to the top salesperson and is considered a significant and prestigious achievement at Defendants.
- 27. Plaintiff started reporting directly to Victoria Murray-Tait (female),
 Executive Director, in or around January 2022. Murray-Tait reported directly to Kristine
 Dehler (female), Head of North American Sales, Early Development.
- 28. As of the time that Plaintiff started reporting directly to Murray-Tait and for the almost four years since he started at Defendants, he managed and developed a territory that was one that had significant potential for lucrative sales based on the number of biotechnology companies within the territory, and was one of the most lucrative based on sales that he had generated.
- 29. Murray-Tait treated Plaintiff worse than female and/or younger direct reports, including that which is set forth herein.
 - 30. Murray-Tait harshly and unjustly criticized Plaintiff's performance.
- 31. During most of Plaintiff's employment, he worked very closely with an experienced Proposal Manager at Defendants. That individual had been in the position at Defendants for over five (5) years.

- 32. The Proposal Managers at Defendants were key to managing, developing, and overseeing business proposals to potential clients.
- 33. When the Proposal Manager with whom Plaintiff had worked since he started his employment at Defendants left his employment in around June 2022, Plaintiff was assigned to work with a new Proposal Manager.
- 34. The new Proposal Manager with whom Plaintiff was assigned to work had been in the position only since late 2021 and was still being trained at the time that Plaintiff was assigned to work with her.
- 35. Plaintiff repeatedly complained to Murray-Tait about the new Proposal Manager and that her lack of experience and performance deficiencies were making his job more difficult as he was not getting the support that someone in his position needed and he had to spend time doing tasks for which the Proposal Manager was responsible rather than work on developing sales within his territory.
- 36. Murray-Tait acknowledged that she agreed with Plaintiff's assessment that the performance, skills, and experience of the new Proposal Manager was deficient.
- 37. Murray-Tait did not offer Plaintiff an alternative regarding the new Proposal Manager to whom he was assigned and she did not offer assistance to him in connection with that issue.
- 38. On or about October 18, 2022, Murray-Tait informed Plaintiff that the bulk of the territory that he had managed and developed for the past three years was being removed from him and reassigned to two younger, female employees, a Senior Business Development Director and a Business Development Director.
 - 39. Plaintiff was also told that he was being assigned the less lucrative

territory that one of the younger female employees had handled prior to taking over his territory.

- 40. Defendants' only explanation to Plaintiff for the reassignment was that Defendants were realigning territories based on which client, and potential client, companies were supported by venture capital funding. Defendants did not explain why his accounts were removed from him and reassigned to his younger, female colleagues.
- 41. As a result of Defendants' reassignment of his territory, Plaintiff had to start from scratch and introduce himself and build relationships with new potential clients.
- 42. Plaintiff believed that Defendants' reassignment of Plaintiff's territory, combined with a significant increase in his target goals shortly after he started to report to Murray-Tait, by seventy-two (72%) percent, set him up to fail.
- 43. In or about January 2023, Defendants promoted Christina Fox (female) into the position of Team Lead.
- 44. To Plaintiff's information and belief, Fox is substantially younger than he is.
- 45. Defendants did not post the position of Team Lead into which Fox was promoted.
- 46. Plaintiff was qualified for the position of Team Lead into which Fox was promoted.
- 47. Plaintiff would have applied for the position of Team Lead into which Fox was promoted if Defendants had posted the position.
 - 48. Defendants did not provide Plaintiff with an explanation as to why he was

not promoted into the position of Team Lead.

- 49. On or about February 14, 2023, Murray-Tait met with Plaintiff to give him his performance review.
- 50. In that meeting, Murray-Tait informed Plaintiff that he was given a "Needs Improvement" rating on his performance review. She also told Plaintiff that he was being placed on a sixty-day Performance Improvement Plan ("PIP").
- 51. Murray-Tait told Plaintiff that he received a "Needs Improvement" rating on his performance review and that he was placed on a PIP because of on-going concerns regarding his performance and/or behavior.
 - 52. The PIP included subjective targets and goals.
- 53. The PIP also included references to alleged complaints from clients and potential customers. Murray-Tait refused to give Plaintiff any details about the alleged complaints, including which clients had allegedly complained.
- 54. Plaintiff and Murray-Tait met regularly to review the PIP following his placement on the PIP.
- 55. Murray-Tait included in notes of the follow-up meetings that Plaintiff had met targets and goals included in the PIP.
- 56. Murray-Tait included in the notes of the follow-up meetings that Plaintiff had previously complained about the new Proposal Manager, to whom he was reassigned in about June 2022, had made his job more difficult.
- 57. Murray-Tait did not take steps to help Plaintiff in connection with the issue of his Proposal Manager, despite his repeated complaints that her lack of skills and experience, and her performance deficiencies, were making his job more difficult.

- 58. On or about June 1, 2023, Defendants informed Plaintiff that his employment was terminated, effective immediately.
- 59. Defendants told Plaintiff that he was terminated because he did not meet the objectives of the PIP.
- 60. Plaintiff had not been told that Defendants extended the PIP beyond sixty days.
- 61. Defendants did not provide Plaintiff with any documentation regarding his termination.
- 62. At the time of Plaintiff's termination, he was the only one terminated from Murray-Tait's group.
- 63. At the time of Plaintiff's termination, he was one of the two oldest male employees reporting directly to Murray-Tait.
- 64. To Plaintiff's information and belief, he was replaced by a younger, female employee who was promoted into his Senior Business Development Director position.
- 65. On Defendants' website, they tout that fifty-nine (59%) percent of their "global management are women".
- 66. Plaintiff's sex was a motivating and determinative factor in connection with Defendants' discriminatory treatment of Plaintiff, including, but not limited to, failing to promote him into the position of Team Lead and terminating his employment.
- 67. Plaintiff's age was a motivating and determinative factor in connection with Defendants' discriminatory treatment of Plaintiff, including, but not limited to, failing to promote him into the position of Team Lead and terminating Plaintiff's

employment.

69. As a direct and proximate result of the discriminatory conduct of Defendants, Plaintiff has in the past incurred, and may in the future incur, a loss of earnings and/or earning capacity, loss of benefits, pain and suffering, embarrassment, humiliation, loss of self-esteem, mental anguish, and loss of life's pleasures, the full extent of which is not known at this time.

COUNT I - Title VII

- 70. Plaintiff incorporates herein by reference paragraphs 1 through 69 above, as if set forth herein in their entirety.
- 71. By committing the foregoing acts of discrimination against Plaintiff,
 Defendants have violated Title VII.
 - 72. Said violations were done with malice and/or reckless indifference.
- 73. As a direct and proximate result of Defendants' violation of Title VII,
 Plaintiff has suffered the damages and losses set forth herein and has incurred attorneys'
 fees and costs.
- 74. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants' discriminatory acts unless and until this Court grants the relief requested herein.
 - 75. No previous application has been made for the relief requested herein.

COUNT II - ADEA

76. Plaintiff incorporates herein by reference paragraphs 1 through 75 above, as if set forth herein in their entirety.

- 77. By committing the foregoing acts of discrimination against Plaintiff, Defendants have violated the ADEA.
- 78. Said violations were willful and warrant the imposition of liquidated damages.
- 79. As a direct and proximate result of Defendants' violation of the ADEA,
 Plaintiff has suffered the damages and losses set forth herein and has incurred attorney's
 fees and costs.
- 80. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants' discriminatory acts unless and until this Court grants the relief requested herein.
 - 81. No previous application has been made for the relief requested herein.

RELIEF

WHEREFORE, Plaintiff seeks damages and legal and equitable relief in connection with Defendants' improper conduct, and specifically prays that the Court grant the following relief to the Plaintiff by:

- (a) declaring the acts and practices complained of herein to be in violation of Title VII;
- (b) declaring the acts and practices complained of herein to be in violation of the ADEA;
- (c) enjoining and permanently restraining the violations alleged herein;
- (d) entering judgment against the Defendants and in favor of the Plaintiff in an amount to be determined;

(e) awarding liquidated damages to Plaintiff under the ADEA;

(f) awarding compensatory damages to make the Plaintiff whole for

all lost earnings, earning capacity and benefits, past and future, which Plaintiff has

suffered or may suffer as a result of Defendants' improper conduct;

(g) awarding compensatory damages to Plaintiff for past and future

pain and suffering, emotional upset, mental anguish, humiliation, and loss of life's

pleasures, which Plaintiff has suffered or may suffer as a result of Defendants' improper

conduct;

(h) awarding Plaintiff such other damages as are appropriate under the

Title VII and the ADEA;

(i) awarding Plaintiff the costs of suit, expert fees and other

disbursements, and reasonable attorney's fees; and,

(j) granting such other and further relief as this Court may deem just,

proper, or equitable including other equitable and injunctive relief providing restitution

for past violations and preventing future violations.

CONSOLE MATTIACCI LAW

Dated: 03/08/2024

BY:

Caren N. Garmankin, Esq.

1525 Locust St., 9th Floor

Philadelphia, PA 19102

(215) 545-7676

Attorney for Plaintiff,

Arpad Madarasz

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Exhibit 1

CHARGE OF DISCRIP		ment before	AGENCY Q FEPA X EEOC	CHARGE NUMBER		
consolidating this form.	T					
STATE OR LOCAL AGENCY: Pennsylvania	a Human Relations C		PRIVATE AND	(DED # 1 1 4 G 1)		
NAME (Indicate Mr., Ms., Mrs.) Arpad Madarasz		HOME TEL	EPHONE NUN	ABER (Include Area Code)		
STREET ADDRESS CI	ZIP		DATE OF BIRTH			
NAMED IS THE EMPLOYER, LABOR OF STATE OF LOCAL GOVERNMENT WHO	ORGANIZATION, I	EMPLOYME AGAINST M	NT AGENCY	, APPRENTICESHIP, COMMITTEE, one than list below)		
NAME LabCorp; LabCorp Drug Development, Inc.; Laboratory Corporation of America Holdings; Lab. Corp. of America Holdings	bCorp; LabCorp Drug Development, .; Laboratory Corporation of America Idings; Lab. Corp. of America			TELEPHONE (Include Area Code) (908) 526-2400		
STREET ADDRESS 3301 Kinsman Blvd	CITY, STATE AND ZIP Madison, WI 53704			COUNTY Dane		
CAUSE OF DISCRIMINATION (Check appr Q Race Q Color X Sex Q Religion Q Retaliation X Age Q Disability Q		DATE DISCRIMINATION TOOK PLACE Earliest Latest 06/01/2023				
A. 1. Relevant Work History I was hired by Respondents on or about A Director. I last reported to Victoria Murray (45, female), Head of North American Sale Respondents failed to promote me, subject of my sex and/or my age. When I was ter female and/or substantially younger employed duties to less qualified, noncomplaining, so I consistently demonstrated positive perforcement manner.	r-Tait (56ª, female) es, Early Developn cted me to a hostill minated, Respond byees for and in poubstantially young rmance and dedica	, Executive ment. I work e work envir- ents selecte ositions for w er, female e	Director. Murried out of my honment, and to dand retained which I was momployees.	ray-Tait reported to Kristine Dehler nome office in Pennsylvania. erminated my employment because d less qualified, noncomplaining, are qualified, and assigned my job erformed my duties in a highly-		
X I want this charge filed with both the EEOC and if any. I will advise the agencies if I change my ad and cooperate fully with them in the processing of with their procedures I declare under penalty or perjury that the foregoing is true.	ddress or telephone nur f my charge in accord	mber ance I swear	NOTARY - (when necessary for State and Local Requirements) I swear of affirm that I have read the above charge and that it is true to the best of my knowledge information and belief.			
Date: Charging Party (Signature): SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day Month, and year)						

^a All ages herein are approximations.

EEOC Charge of Discrimination Initials of Charging Party –

2. Harm Summary

I have been discriminated against because of my age (62) and my sex (male). Evidence of the discriminatory conduct to which I have been subjected includes, but is not limited to, the following.

- (a) In January 2022, I began reporting to Murray-Tait.
- (b) Murray-Tait had no role in my being hired at Respondents.
- (c) Murray-Tait treated me differently and worse, and in a more hostile and dismissive manner, than she treated female and/or younger employees.
- (d) My performance was unjustly criticized.
- (e) I was held to a higher, more stringent standard than female and/or younger employees.
- (f) I was assigned higher sales target goals than female and/or younger employees were assigned.
- (g) In January 2022, in a meeting with Murray-Tait, Respondents increased my sales target goals by seventy-two percent (72%).
- (h) To my knowledge, female and/or younger employees did not have their sales target goals increased by seventy-two percent (72%).
- I received no explanation, including the criteria, as to why my sales target goals were increased by seventy-two percent (72%).
- Respondents increased my sales target goals by seventy-two percent (72%) because of my sex and/or my age.
- (k) In June 2022, after working with an experienced Proposal Manager employee, I was assigned an inexperienced Proposal Manager employee, which disadvantaged me and my sales ability.
- (I) On or about October 18, 2022, in a meeting with Murray-Tait, she told me that the territory that I had for the past three (3) years was being removed from me and transferred to Christina Fox (45, female), then Senior Business Development Director, and Lauren Wickert (40, female), then Business Development Director. I was assigned Fox's less lucrative territory.
- (m) I was more qualified to handle my territory than the substantially younger, female employees to whom the territory was assigned.
- (n) Respondents removed my territory from me and assigned it to substantially younger, female employees because of my sex and/or my age.
- (o) In January 2023, Respondents failed to promote me to Team Lead. Instead of promoting me, Respondents promoted Christina Fox (45, female). I had no opportunity to apply for the position because the position was not posted. If the position had been posted, I would have applied for the position. I was more qualified for the Team Lead position than the substantially younger, female employee who was promoted instead of me.
- (p) I received no explanation, including the selection criteria, as to why I was not

EEOC Charge of Discrimination Initials of Charging Party –

promoted and the substantially younger, female employee was promoted instead.

- (q) Respondents failed to promote me to the Team Lead position because of my age and/or sex.
- (r) In January 2023, Respondents promoted Lauren Wicker (40, female), from Business Development Director to Senior Business Development Director.
- (s) On February 7, 2023, in a meeting with Murray-Tait, she unjustly criticized my performance.
- (t) On February 14, 2023, in a meeting with Murray-Tait, I received a Needs Improvement performance review rating, and I was placed on a Performance Improvement Plan ("PIP"). The stated reason was "on-going concerns regarding [my] performance and/or behavior." My performance and/or behavior did not warrant a Needs Improvement rating or a PIP. The PIP contained target goals that were unfeasible to complete in the timeframe provided. The PIP was scheduled to last sixty (60) days. The PIP stated that, upon completion of the PIP, I would receive documentation showing whether I satisfactorily or unsatisfactorily completed the PIP.
- (u) Respondents issued me a Needs Improvement performance review rating because of my sex and/or my age.
- (v) Respondents placed me on a PIP because of my sex and/or my age.
- (w) Female and/or younger employees were not placed on a PIP.
- (x) I received no explanation, including the criteria, as to why I was placed on a PIP while female and/or younger employees were not.
- (y) My PIP was not extended.
- (z) I received no further documentation in connection with the PIP.
- (aa)For quarter one (1) of 2023, I achieved ninety-five percent (94%) of my target goal.
- (bb)I was on track for meeting my 2023 sales target goals.
- (cc) On June 1, 2023, in a meeting with Murray-Tait and DeMorris McMillian (40, male), Human Resources, Respondents terminated my employment, effective immediately. The stated reason was that I did not meet the PIP objectives. I did not receive anything in writing regarding my termination.
- (dd)Despite the PIP stating that, upon completion of the PIP, I would receive documentation showing whether I satisfactorily or unsatisfactorily completed the PIP, I received no documentation regarding the same.
- (ee)I had no opportunity to remain employed with Respondents.
- (ff) I was the only employee who was terminated effective June 1, 2023.
- (gg)At the time of my termination, the following employees reported to Murray-Tait. I was as if not more qualified to perform each of these positions.
 - i) Lauren Wicker (40, female), Senior Business Development Director;
 - ii) Christina Fox (45, female), Team Leader;

- iii) Jesse Chow (40, male), Business Development Director;
- iv) Martina Johnson (40, female), Business Development Director;
- v) Harry Solis (63, male), Business Development Director;
- vi) Arpad Madarasz (62, male), Senior Business Development Director.
- (hh)Respondents retained female and/or substantially younger employees in positions for which I was more qualified when I was terminated.
- (ii) Respondents terminated my employment because of my sex and/or my age.
- (jj) Respondents subjected me to a hostile work environment because of my sex and/or my age
- (kk) Respondents assigned my job duties and responsibilities to younger and/or female employees. I was more qualified to perform my job duties and responsibilities than the substantially younger and/or female employees to whom Respondents assigned my job duties and responsibilities.
- (II) Respondents' sex and age discriminatory conduct and comments have caused me emotional distress.
- (mm) Respondents did not target or treat in the same way similarly situated female and/or substantially younger employees.

B. 1. Respondents' Stated Reasons

- (a) Respondents have provided no explanation for subjecting me to a hostile work environment because of my sex and/or my age.
- (b) Respondents have provided no explanation for failing to promote me to Team Leader
- (c) Respondents' stated reason for terminating my employment—that I did not meet the PIP objectives—is pretext for age and/or sex discrimination.

C. 1. Statutes and Bases for Allegations

I believe that Respondents have discriminated against me based on my sex (male) and my age (62) in violation of the Age Discrimination in Employment Act, as amended, 29 U.S.C. § 623 et seq. ("ADEA"), Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e), et seq. ("Title VII"), the Pennsylvania Human Relations Act, as amended, 43 P.S. § 951, et seq. ("PHRA") as set forth herein.

Exhibit 2

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Philadelphia District Office 801 Market St, Suite 1000 Philadelphia, PA 19107 (267) 589-9700

Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 12/11/2023

To: Arpad Madarasz

Charge No: 530-2023-06235

EEOC Representative and

telephone number:

Legal Unit (267) 589-9707

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice. Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By: Karen McDonough 12/11/2023

Karen McDonough Deputy District Director